

Remarks/Arguments

The Office Action mailed September 12, 2008 has been reviewed and carefully considered.

Claims 16-21 have been canceled without prejudice. New Claims 22 - 30 have been added. These new claims are drawn to the embodiment depicted in Figures 3 and 4 of the originally filed application. No new matter has been added by these new claims. Claims 22-30 are now pending in this application.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 16-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Published International Application WO 00/60301 to Gavrilovic et al.

Claims 20-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gavrilovic et al in view of USP 2,812,712 to Ashurst.

Claims 16-21 have been canceled by this amendment, and as such, these rejections are now moot.

As mentioned above, the new claims are drawn to the embodiment shown in Figures 3 and 4. The rock breaking cartridge of Figures 3 and 4 has a stemming device which includes components defining a wedge-shaped cavity in which a wedge-shaped insert is located. A threaded shank engages with a threaded passage in the barrel to draw the barrel further into the cavity, when the shank is rotate, forcing the components apart thereby radially expanding a respective portion of the tubular body in a stemming action.

The cited prior art to Gavrilovic et al. and Ashurst, taken singly or in combination fails to teach or suggest a cartridge with a wedge-shaped barrel situated in a wedge-shaped cavity provided by a pair of components. This construction offers a number of benefits over the cited art. Firstly, there is a two-stage stemming action. A first stage is manually implemented, by using the threaded shank to draw the barrel (80) into the wedge-shaped cavity, and a second stage or second stemming action arises automatically during initiation of the explosive or propellant. Overall, an enhanced stemming action is achieved by the present invention that is not achievable by the cited prior art.

A second benefit is that the manual activation of the stemming mechanism, during the first stage, sets the cartridge in position even in a borehole which is overhead. The second stage of the stemming action can then occur and its effectiveness is not in any diminished.

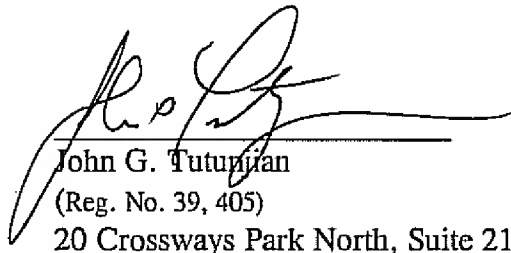
More specifically, neither Gavrilovic et al. nor Ashurst, taken singly, or in any combination, discloses a two-stage stemming action, nor the benefits resulting there from.

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of September 12, 2008 be withdrawn, that pending claims 22-30 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433

Respectfully submitted,

NXCO INTERNATIONAL LIMITED



John G. Tutunjian
(Reg. No. 39, 405)
20 Crossways Park North, Suite 210
Woodbury, NY 11797
(516) 496-3868

Dated: *December 12, 2008*